

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BANK OF AMERICA, N.A.,

Plaintiff,

v.

JOHN & KAY, INC., a Washington corporation,
doing business as HEIDI'S & BAKKERS DRY
CLEANING; JUNG CHUL SEO, individually;
and the marital community of JUNG CHUL
SEO and KYUNGHEE SEO;

Defendants.

CASE NO. C12-1863RSM

ORDER GRANTING MOTION FOR
REMAND

This matter is now before the Court for consideration of plaintiff's motion for remand. Dkt. # 3. Defendant Jung Chul Seo, appearing *pro se*, filed a Notice of Removal, purportedly on behalf of all defendants, to remove the action from King County Superior Court under the diversity jurisdiction provision of 28 U.S.C. § 1332. Dkt. # 1. Defendant Bank of America, N.A., has timely moved to remand, and plaintiff has failed to oppose the motion. It shall accordingly be granted.

There is a strong presumption against removal jurisdiction. *Gaus v. Miles, Inc.*, 980 F. 2d 564, 566 (9th Cir. 1992). Any doubts regarding the right to removal must be resolved in favor of remand back to state court. *Matheson v. Progressive Specialty Insurance Company*, 319 F. 3d 1089, 1090 (9th Cir. 2003). Here, Bank of America has asserted several valid bases for remand: (1) the Notice of

ORDER GRANTING MOTION FOR
REMAND - 1

1 Removal, filed some eight months after the case was filed in state court, is untimely; (2) under the forum
2 defendant rule, 28 U.S.C. § 1441(b)(2), this action is not removable because the defendants are
3 Washington residents; and (3) the amount in controversy does not exceed \$75,000. Defendants have
4 failed to come forward to rebut any of these arguments or to assert any proper basis for this Court's
5 jurisdiction. The Court notes, in addition, that Jung Chul Seo, who is not an attorney, may not represent
6 a corporation, so the Notice of Removal is wholly ineffective as to John & Kay, Inc., the corporate
7 defendant.

8 Accordingly, plaintiff's motion for remand is GRANTED, and this case is hereby REMANDED
9 to the King County Superior Court, Cause No. 12-2-07035-1SEA.

10 The Clerk shall close this file and send a certified copy of this Order to the Clerk of Court for
11 the King County Superior Court.

12 Dated this 16th day November 2012.

13
14 

15 RICARDO S. MARTINEZ
16 UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26